

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TISLAM MOORE,

Petitioner,

vs

9:03-CV-1307

GARY H. FILION, Superintendent,

Respondent.

APPEARANCES:

OF COUNSEL:

TISLAM MOORE
97-A-6282
Fishkill Correctional Facility
P.O. Box 1245
Beacon, NY 12508

HON. ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Respondent
Department of Law
The Capitol
Albany, NY 12224

MICHAEL G. McCARTIN, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

The petitioner, Tislam Moore, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in the above action. By a report recommendation dated February 19, 2008, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that the petition for a writ of habeas corpus be denied. Petitioner has filed timely objections to the report and recommendation.

Based upon a de novo determination of the report and recommendation, including the portions to which petitioner has objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1); Rule 10, Rules Governing Section 2254 Cases.

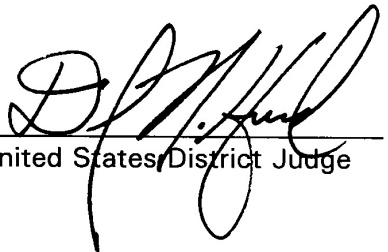
Therefore, it is

ORDERED that

1. The petition of Tislam Moore is DENIED and DISMISSED in all respects; and
2. The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: April 17, 2008
Utica, New York.



United States District Judge